

1-1 By: Creighton, et al. S.B. No. 25
1-2 (In the Senate - Filed November 21, 2016; January 24, 2017,
1-3 read first time and referred to Committee on State Affairs;
1-4 March 6, 2017, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; March 6, 2017,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hughes	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Estes	X		
1-14	Lucio	X		
1-15	Nelson	X		
1-16	Schwertner	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 25 By: Creighton

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to eliminating the wrongful birth cause of action.
1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-23 SECTION 1. Title 4, Civil Practice and Remedies Code, is
1-24 amended by adding Chapter 71A to read as follows:

1-25 CHAPTER 71A. PROHIBITED CAUSES OF ACTION
1-26 Sec. 71A.001. WRONGFUL BIRTH. (a) A cause of action may
1-27 not arise, and damages may not be awarded, on behalf of any person,
1-28 based on the claim that but for the act or omission of another, a
1-29 person would not have been permitted to have been born alive but
1-30 would have been aborted.

1-31 (b) This section may not be construed to eliminate any duty
1-32 of a physician or other health care practitioner under any other
1-33 applicable law.

1-34 SECTION 2. The change in law made by this Act applies only
1-35 to a cause of action that accrues on or after the effective date of
1-36 this Act. A cause of action that accrues before the effective date
1-37 of this Act is governed by the law applicable to the cause of action
1-38 immediately before the effective date of this Act, and that law is
1-39 continued in effect for that purpose.

1-40 SECTION 3. This Act takes effect immediately if it receives
1-41 a vote of two-thirds of all the members elected to each house, as
1-42 provided by Section 39, Article III, Texas Constitution. If this
1-43 Act does not receive the vote necessary for immediate effect, this
1-44 Act takes effect September 1, 2017.

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